IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

WRIT PETITION NO. 10694 OF 2004

Javed Mohammed Maniar ...Petitioner
versus
The State of Maharashtra & ors ..... Respondent.

Office Notes, Office Memorada) Orders or directions and) Registrar's orders.)	Court's or Judge's Orders.

Shri V.V. Pai for the petitioner.
Shri R.M.Patne AGP for State.

CORAM; V.G. PALSHIKAR &
D.B. BHOSALE, JJ.

DTAED; 19TH SEPT., 2005.

P.C.

1. By this petition, the petitioner has prayed for a declaration that the elections held for the Committee of the respondent are held in violation of the Rules prescribed and therefore they are liable to be set aside.

2. Notice why the petition was not admitted was issued and the affidavit in reply has been filed in which there is a clear statement that the elections were held in accordance with the

provisions of Maharashtra Municipal Councils, Nagar Panchayats and Industrial Townships Act 1965 and a special meeting for that purpose was called. It is further stated that the elections were held in accordance with the system of proportional representation by means of single transferable vote and empowered the respondent no.2 to give orders of recounting as there is no provision of appeal or revision before the Collector. The matter was then referred to the Municipal Administration and Ciommissioner, Konkon Bhavan for opinion as to the maintainability of the application for recount. In any case there being a clear affidavit stating that the elections cannot be held in accordance with the proportional representation, no substance remains in the contention raised.

Petition accordingly rejected.

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